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United States Attorney
Southern District of New York86 Chambers Street
New York, New York 10007

August 4, 2008

BY FAX

Honorable Henry B. Pitman
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 750
New York, New York 10007-1312APPLICATION GRANTED
NUNC PRO TUNC

SO ORDERED

Re: Eugene Suarez v. Astrue
08 Civ. 3092 (CM) (HBP)Henry Pitman 8-15-08

HENRY PITMAN

UNITED STATES MAGISTRATE JUDGE

Dear Judge Pitman:

This Office represents the Commissioner of Social Security, defendant in this action. I write respectfully to inform the Court of recent events and to request nunc pro tunc a one business day extension of defendant's time to answer or move with respect to the complaint.

Pursuant to the Court's order, defendant's answer was due Friday, August 1, 2008. I served defendant's answer on that date, but this afternoon I discovered that I mistakenly served it on the wrong attorney. Today, I subsequently served the correct attorney and filed the answer with the Court. I apologize to the Court for any inconvenience this may cause, and I respectfully request a one business day nunc pro tunc extension of time to file defendant's answer, to today, August 4, 2008. I have attempted to contact plaintiff's attorney by telephone to ask for his consent to this request but he has not yet returned my call. This is the government's second request for an extension.

Thank you for your consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:

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